

MARK CHANGIZI,  
 MICHAEL SENER,  
 DANIEL KOTZIN,  
*Plaintiffs,*  
 v.  
 DEPARTMENT OF HEALTH AND  
 HUMAN SERVICES;  
 VIVEK MURTHY, United States  
 Surgeon General in his  
 official capacity, and  
 XAVIER BECERRA,  
 Secretary of the Department  
 of Health and Human Services  
 in his official capacity,  
*Defendants.*

Defendants have launched an initiative designed to combat “misinformation” pertaining to COVID-19 issues on social media platforms. They have made statements demanding that technology companies censor individuals who articulate views that contradict the Government’s messaging on the issue and threatening the companies with adverse consequences if they do not comply. Furthermore, they have ordered the companies to turn over “sources” of misinformation by May 2, 2022.

Plaintiffs' Twitter accounts have all been suspended, temporarily and on at least two occasions, during this initiative. Plaintiff Senger has entirely lost his Twitter account. Moreover, it has prompted Plaintiffs to self-censor on social media because the initiative has a profound chilling effect.

No statute endows the Surgeon General with the authority to direct social media companies to censor individuals or viewpoints that he, or the Biden Administration, consider problematic. Accordingly, this initiative constitutes *ultra vires* action. Moreover, it is clear that the companies are acting at the direction of the Government, turning this censorship into state action and violating Plaintiffs' First Amendment rights. The requirement that companies provide information about users who spread "misinformation" constitutes a warrantless search in violation of the Fourth Amendment.

Because their constitutional rights are being violated by the initiative, and because the Surgeon General has set a May 2, 2022, deadline for turning over "sources of misinformation" Plaintiffs will suffer irreparable harm if a preliminary injunction is not granted. Furthermore, the balance of equities tilts heavily in Plaintiffs' favor. Defendants do not have an interest in enforcement of an unlawful and unconstitutional initiative. Finally, the public has an interest in seeing Plaintiffs' constitutional (and statutory) rights vindicated. In sum, Plaintiffs have demonstrated entitlement to a preliminary injunction.

IT IS THEREFORE ORDERED THAT:

- (1) Defendants are hereby prohibited from enforcing coercive policies or conditions similar to those described above that exert pressure upon Twitter and other technology companies to censor users, and are ordered to retract the May 2, 2022 Request for Information. This

Order shall remain in effect until this Court reaches a contrary determination or reaches a final judgment with respect to relief sought by Plaintiff and others similarly situated.

THUS DONE AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2022 in  
\_\_\_\_\_, Ohio.

\_\_\_\_\_  
JUDGE \_\_\_\_\_  
SOUTHERN DISTRICT OF OHIO